

**IN THE
COMMONWEALTH OF VIRGINIA
BOARD FOR CONTRACTORS**

Re: Jim Barletto, t/a Academy Enterprises
Norfolk, VA 23518

File Number 2006-00274
License Number 2705085116

CONSENT ORDER

Respondent Jim Barletto, t/a Academy Enterprises ("Jim Barletto") recognizes and acknowledges being subject to and bound by the Regulations of the Board for Contractors ("Board"), as well as by all other applicable Virginia laws.

Jim Barletto knowingly and voluntarily waives any proceedings for this matter under the Administrative Process Act, §§ 2.2-4019, 2.2-4020, and 2.2-4021 of the 1950 Code of Virginia, as amended.

Board's 2003 Regulations provides:

18 VAC 50-22-200. Remedial education, revocation or suspension; fines.

The board may require remedial education, revoke or suspend a license or fine a licensee when a licensee has been found to have violated or cooperated with others in violating any provision of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1 of the Code of Virginia, or any regulation of the board.

The Report of Findings, which contains the facts regarding the regulatory and/or statutory issues in this matter, is incorporated with the Consent Order.

By signing this Consent Order, Jim Barletto acknowledges an understanding of the charges and admits to the violation(s) of the Counts as outlined in the Report of Findings. Jim Barletto consents to the following term(s):

Count 1:	18 VAC 50-22-260.B.29 (Three violations @ \$500.00 per violation)	\$1,500.00
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TOTAL MONETARY PENALTIES	_____
	\$1,500.00

Jim Barletto also agrees to pay \$150.00 in Board costs.

It is noted that Jim Barletto successfully completed remedial education at Tidewater Community College on September 10, 2005.

Any monetary penalties, costs, and/or sanctions are to be paid/performed within thirty days of the effective date of this consent order unless otherwise specifically noted above. Jim Barletto acknowledges any monetary penalty and/or costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Jim Barletto will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in § 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Jim Barletto acknowledges that failure to pay any monetary penalty or costs and/or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Jim Barletto's license until such time as there is compliance with all terms of this Order. Jim Barletto understands the right to have this automatic suspension considered in an informal conference pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Jim BARLETTO [Signature] 12/22/05
Jim Barletto
t/a Academy Enterprises Date

Jim Barletto
Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF Norfolk
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this 22nd day of December,
2005.

[Signature]
Notary Public

My Commission Expires: 4/30/08

SO ORDERED:

Entered this 28th day of February, 2005.

Board for Contractors

BY: [Signature]
Louise Fontaine Ware, Secretary

EOO

**VIRGINIA DEPARTMENT OF PROFESSIONAL
AND OCCUPATIONAL REGULATION
COMPLIANCE & INVESTIGATION DIVISION
3600 WEST BROAD STREET
RICHMOND, VA 23230-4917**

REPORT OF FINDINGS

BOARD: Board for Contractors
DATE: November 29, 2005

FILE NUMBER: 2006-00274
RESPONDENT: Jim Barletto, t/a Academy Enterprises
LICENSE NUMBER: 2705085116
EXPIRATION: May 31, 2006

SUBMITTED BY: Michael Heaney
APPROVED BY: David Dorner

COMMENTS:

None.

Jim Barletto, t/a Academy Enterprises ("Barletto"), was at all times material to this matter a licensed Class A Contractor in Virginia (No. 2705085116).

Based on the analysis and/or investigation of this matter, there is probable cause to believe the respondent has committed the following violation(s) of the Code of Virginia and/or Board's regulation(s):

BACKGROUND:

On July 14, 2005, the Compliance & Investigations Division of the Department of Professional and Occupational Regulation received a written complaint from Sean Regan ("Regan") and Lara Kain ("Kain") regarding Barletto.

On December 24, 2004, Hurley Properties International, L.L.C., with Barletto as the general contractor, entered into a written contract with Regan and Kain, in the amount of \$565,000.00, for the purchase and construction of a new home at 9501 14th Bay Street, Norfolk, Virginia.

On March 28, 2005, a Certificate of Use & Occupancy was issued by the City of Norfolk Division of Building Construction Services ("City") to Regan and Kain.

On July 11, 2005, pursuant to Sections 105.2.2., Limitation of notice, and 105.2.3., Suspension or revocation of certificate of occupancy, of the Virginia Uniform Statewide Building Code ("USBC") the City notified Barletto of thirty three (33) violations of the 2000 International Residential Code for One and Two Family Dwellings ("IRC") as adopted by the USBC.

On August 12, 2005, the City notified Barletto of twenty nine (29) violations of the IRC.

On August 18, 2005, the City notified Barletto of twenty four (24) violations of the IRC.

On September 12, 2005, the City issued a Notice of Violation to Barletto on twenty three (23) violations of the IRC.

On November 7, 2005, based on inspection by the City, Barletto was notified that all IRC violations had been abated.

1. Board Regulation (Effective January 1, 2003) (Three Violations)

18 VAC 50-22-260. Filing of charges; prohibited acts.

B. The following are prohibited acts:

29. Contracting with an unlicensed or improperly licensed contractor or subcontractor in the delivery of contracting services.

FACTS:

Beginning in December 2004, through March 2005, Barletto hired Currin Masonry, a subcontractor, to perform foundation and brick work at the subject property.

On December 17, 2004, Barletto paid Currin Masonry \$2,807.25 for work performed at the subject property.

On March 15, 2005, Barletto paid Currin Masonry \$6,412.50 for work performed at the subject property.

In March 2005, Barletto hired The Tile Mechanic, a subcontractor, to perform tile installation at the subject property.

On March 8, 2005, Barletto paid The Tile Mechanic \$4,616.00 for work performed at the subject property.

In March 2005, Barletto hired AM Painting, a subcontractor, to perform painting at the subject property.

On March 28, 2005, Barletto paid AM Painting \$5,100.00 for work performed at the subject property.

On November 23, 2005, Barletto stated he assumed that Currin Masonry, The Tile Mechanic, and AM Painting were licensed contractors and that he later learned from those contractors that they were not licensed.

On August 30, 2005, a search of the Board for Contractors licensing records revealed that Currin Masonry, The Tile Mechanic, and AM Painting were not licensed contractors.